IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 10289 of 2007(Y)

PETITIONER:

NIKHILA P.K,AGED 23 YEARS,D/O.LATE
SRI.P.K.GANGADHARAN,"ASWATHI",KINASSERI,
P.O POKKUNNU,CALICUT 673 013.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI

RESPONDENT:

STATE BANK OF INDIA REPRESENTED BY
THE CHIEF GENERAL MANAGER,STATE BANK OF INDIA,
LOCAL HEAD OFFICE,THIRUVANANTHAPURAM.

BY ADV. SRI.GEORGE THOMAS(MEVADA), SC, SBI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE APPLICATION DATED 25.2.2005 SUBMITTED BY THE PETITIONER'S MOTHER BEFORE THE RESPONDENT BANK.

EXT.P2- TRUE COPY OF THE APPLICATION DATED 25.2.05 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT BANK

EXT.P3- TRUE COPY OF THE COMMUNICATION DATED 17.3.06 ISSUED BY THE BANK

EXT.P4- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER'S MOTHER BEFORE THE RESPONDENT BANK.

(TRUE COPY)

P.A TO JUDGE

V.GIRI, J

W.P.(C).10289/2007

Dated this the 5th day of December, 2007

JUDGMENT

Petitioner's father, P.K. Gangadharan, while working as an Assistant (Cash) in State Bank of India, respondent herein, died in-harness on 16.2.2005. An application was made for appointing the petitioner on compassionate grounds as per Exts.P1 and P2. During the pendency of the application, scheme for compassionate appointment underwent change with effect from 4.8.2005, and a scheme titled "SBI SCHEME FOR PAYMENT OF EX-GRATIA LUMPSUM AMOUNT" was brought into force. The said scheme inter alia provides for payment of ex-gratia amount to the dependant of the employee who died-in-harness, subject to the conditions mentioned therein. Clause 4 of the said scheme provides as follows:-

> "Application pending under the compassionate Appointment Scheme as on the date will be dealt with in accordance with the new Scheme for payment of ex-gratia lumpsum amount provided they fulfill

> all the terms and conditions of this Scheme. In such cases, fresh application for payment of ex-gratia in lieu of compassionate appointment should be obtained on the format enclosed with our captioned Scheme."

2. In the instant case, the applications Exts.P1 and P2, were actually disposed of on 8.10.2005 by Ext.R1 (a). Going by clause 4 of the new scheme, said application should have been dealt with under the revised scheme which provides for payment of ex-gratia lumpsum amount and not an appointment on compassionate grounds.

3. In the circumstances, I am of the view that the petitioner's application should be considered under the new scheme.

4. In the result, writ petition is disposed of permitting the petitioners to file a fresh application for the benefit of the revised scheme. If such application is filed within

a period of one month from today, respondent, Bank, shall consider it in accordance with the scheme brought into force on 4.8.2005. Same shall be done untrammeled by Ext.R1(a) or Ext.P3. Bank shall take a decision on the application for the benefit under the revised scheme as early as possible at any rate within three months from the date of receipt of a copy of this judgment. Subject to these directions, writ petition is disposed of.

V.GIRI,
Judge

mrcs